REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 1 is amended to fix the antecedent basis and hence to obviate the rejection.

Claims 1-8, 10-13, 16-17, 19-26 and 30-42 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Stewart. For reasons that are set forth in detail herein, this rejection is respectfully traversed, and the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Taking claim 1 first, it requires a portable computer with a processor, information detection part and communication part. Items of information are sensed by the information detection part, and the communication part communicates information indicative of these plurality of items of information to a remote server. The communication part also obtains current position information based on a response from the remote server.

Considering the scope and contents of the Stewart prior art demonstrates that this is an entirely different kind of system. The intent of Stewart is that a user's position is <u>known</u> by the central service provider, not that the information is sent back to the communication part in the portable computer.

According to the present system, the portable computer can determine its own position by sending information to the remote server, and receiving back a response

from the remote server. This contrasts with Stewart in which the access points or APs, determine whether mobile units are within their range. See for example column 4 lines 1-6. The management information base 25 receives the beacon signal indicative of proximity of the cell phone. As explained column 4 lines 14-21, the position of the access point allows the management information base 25 "to know exactly where the mobile user is located at any given time". While the management information base determines this information, Stewart has no disclosure of sending information back to the cellular phone about its position. If one tries to read Stewart as anticipating claim 1, it would require that the information was sent from the cellular phone to the server, and then sent back from the server to the cellular phone. Neither of these occur in Stewart.

Stewart therefore, is really very different from the claim. The claim requires that the clients send information to the server, and receive position information back. Stewart uses APs that KNOW their position, to determine clients within range of the APs, and sends the clients in range of the APs to the server. No position detection is carried out, since the APs already KNOW their position.

The closest thing to this is column 4 line 38-49 where the mobile unit transmits a message asking where the closest access point is. Information indicative of that access point is sent back, but again it sends back information "that the AP 110 is located at...". Hence, this sends back information indicative of the access point, not information indicative of the position information that has been sent to the server as the claim 1 requires.

Nothing in Stewart discloses sending information indicative of the mobile phone's position, back to the mobile phone, based on information that is then sent to the server. Therefore, Stewart is wholly different from the claimed system.

Also note the specific language of claim 1 of Stewart which states that the portable computer, which in Stewart would be the computer in the phone, must acquire at least a plurality of items of information that are sensed by the information detection point; communicate those items of information to the remote server; and receive the position information based on a response. Stewart does not meet these limitations. The undersigned assumes that the interpretation taken is that the information detection part is the access point. However, that access point is not disclose acquiring "at least a plurality of items of information" and getting back position information based on those plurality of information. The access point requires only one item of information: information about the cell phone beacon.

Moreover, the position of the access point is <u>known</u>: it makes no sense to think that it would get position information back from a remote server when it's position was always fixed and known. This is an unreasonable interpretation.

Finally, the cell phone in Stewart does not acquire any items of information certainly not a plurality of items of information. It does not communicate these items to a remote server and obtain position information based on a response from that remote server. The closest thing is described above, column 4 lines 38-49. Even if somehow could someone could contort the claim to read on this subject matter, it still does not require the claimed "plurality of items of information".

The dependent claims are further not disclosed by Stewart. Claim 3 specifies that the form of sending the information as XML. There is not one word in Stewart about XML.

Claim 4 defines that the current information is defined as being satellite positioning. There is not one word in Stewart about satellite positioning.

Claim 5 defines the time since current information has been acquired is one of the items of information. There is not one word about this in Stewart.

Claim 7 requires a computer at the remote server that calculates a position based on the information. Stewart has a known position of all its access points, and therefore does not need to calculate anything.

Claim 8 requires that the items of information are environmental clues. There is no disclosure of this in Stewart. Claim 10 defines that the environmental clues include visual information in an area of the portable computer. Again, there is no disclosure or even hint of this in Stewart. Claim 11 defines clues as being sounds. There is no disclosure of this in Stewart.

Claim 16 requires a remote server with a computer that calculates the information. Stewart knows the position of all its access points and therefore does not need to calculate anything.

Claims 17-25 relate to the environmental clues which have been described above. These claims are further patentable over the cited prior art.

Claim 30 has been amended to emphasize that the client senses the information, sends it to the server, and receives the information back from the server. In Stewart,

the access points receive the mobile phone information, and the access points call the server.

Also, according to Stewart, the positions of all the access points are known. Therefore, the information sent over the data channel in Stewart and does not need to "determine a position of the local area". Since the positions of the access points are known, no determination is necessary.

Therefore, claim 30 should be allowable for these reasons.

Claim 32 defines environmental clues, which should be allowable for reasons discussed above. Claim 33 defines that the client is a cellular phone, which further distinguishes over the cited prior art.

Claim 36 requires calculating the position of the local processing element based on the information. As described above, Stewart knows the position of its access points, and therefore there is absolutely no sense in the concept of calculating the position.

Claim 39 defines the environmental clues which are further patentable for reasons discussed above.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with

regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Therefore, and in view of the above amendments and remarks, all of the claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

If there are any other charges, or any credits, please apply them to Deposit Account No. 50-1387.

Respectfully submitted,

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